IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CRIMINAL REVISION PETITION NO. 13/2007

SITARAM Vs. STATE OF RAJASTHAN

DATE: 15.03.2007.

HON'BLE MR. K.S. RATHORE, J.

Mr. V.S. Badhwar for the accused-petitioner.
Mr. B.S. Chhaba, Public Prosecutor for the State.

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This criminal revision petition under Section 397 r/w Section 401 Cr.P.C. is preferred by the accused-petitioner against the judgment dated 09.11.2006 passed by the Special Judge, Special Court (Sati Niwaran) Rajasthan & Additional Sessions Judge, Jaipur in Criminal Regular Appeal No. 134/2004, whereby the appeal filed by the accused-petitioner has been dismissed confirming the judgment dated 28.09.2004 passed by the Additional Chief Judicial Magistrate (Sr. Division) No.5, Jaipur City in Criminal Case No. 181/2003, by which the accused-petitioner has been convicted for the offence under Section 279 IPC and awarded a fine of Rs. 1,000/-, in default of payment of fine to undergo simple imprisonment for one month.

Learned counsel for the accused-petitioner has challenged the impugned judgments passed by the trial Court and the Appellate Court on the ground that there was no fault found against the petitioner as stated by PW2 and simply the bus collided with car and no damage is caused, therefore, penalty/fine of Rs. 1,000/- should not be imposed.

I have heard learned counsel for the accused-petitioner, learned Public Prosecutor for the State and have also gone through the record of the case and carefully perused the impugned judgments passed by the trial Court and the Appellate Court.

Both the Courts below have given concurrent findings observing that merely because no damage to the bumper of the bus is caused does not mean that the bumper of the bus has not caused damage to the car whereas the car was damaged and this fact was also considered by the Court below that the accused-petitioner is a Government servant and it was thought proper by the trial Court not to award sentence and in lieu of sentence only a fine of Rs. 1,000/- has been imposed upon the accused-petitioner.

I find no illegality or error in the impugned judgments passed by the trial Court and the Appellate Court and concurrent findings are given by the Courts

below, which require no interference whatsoever by this Court.

Consequently, the revision petition fails and the same is hereby dismissed.

Record be sent back forthwith.

(K.S. RATHORE),J.

/KKC/